DIVISION DAP & REF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

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Helmut FITZ et al. : **Mail Stop: ACCOUNTING DIVISION REFUND BRANCH**

Patent No. 7,100,907 :

APPLICATION NO. 10/038,910

Issued September 5, 2006 : Attorney Docket No. 2002_0004A

Confirmation No. 1343

BRAKING- AND DAMPING DEVICE, IN PARTICULAR FOR MOVABLE PIECES OF FURNITURE

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Patentees respectfully request a refund of $200.00 charged to Deposit Account No. 23-0975 on April 14, 2006 for an independent claim. Patentees assert the charge is incorrect.

It appears the charge is connected to an *Amendment Pursuant to 37 CFR 41.50(c)* dated April 10, 2006. A copy is enclosed for reference. No new independent claims were presented. A fourth claim was added in the *Amendment After Appeal* dated February 17, 2005. The April 10, 2006 Amendment presented the extra claim in a rewritten form to overcome rejections. Since the fourth claim was already paid in February 2005, when originally presented, there is no need for additional charges to our account. PTO has collected duplicate payment for one claim.

Kindly credit $200.00 to the deposit account of undersigned, no. 23-0975. If there are any questions, please contact Donna Reynolds, Accounting Assistant, at (202) 721-8246.

Respectfully submitted,

Helmut FITZ et al.

By _____

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November 15, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	**Confirmation No. 1343**
Helmut FITZ et al.	:	Attorney Docket No. 2002-0004A
Serial No. 10/038,910	:	Group Art Unit 3683
Filed January 8, 2002	:	Examiner Devon C. Kramer
BRAKING- AND DAMPING DEVICE, IN PARTICULAR FOR MOVABLE PIECES OF FURNITURE	:	**MAIL STOP: AMENDMENT**

AMENDMENT PURSUANT TO 37 CFR 41.50(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants in the above-referenced U.S. patent application hereby request amendment of the application following the Decision on Appeal of February 24, 2006 and pursuant to the Statement by the Board under 37 CFR 41.50(c).

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEES FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975

AMENDMENTS TO THE CLAIMS

Claims 1-21 (Canceled)

Claim 22 (Currently Amended) A braking and damping device, comprising:

a fluid cylinder having a cylinder wall;

two pistons that are arranged so as to be linearly displaceable relative to one another in said fluid cylinder;

a piston rod for displacing one of said two pistons in said fluid cylinder; and

an elastically deformable sealing member arranged between said two pistons such that when damping occurs by said piston rod displacing the one of said two pistons in said fluid cylinder, said elastically deformable sealing member is squeezed between said two pistons by said displacement of the one of said two pistons relative to the other of said two pistons and pressed against said cylinder wall.

Claim 23 (Withdrawn) The braking and damping device of claim 22, wherein the one of said two pistons has an open cavity at a front face thereof into which a second of said two pistons is introduced, the second of said two pistons is mounted in said first piston in a freely displaceable manner, the second of said two pistons has an outer casing with an annular projection disposed in front of the one of said two pistons, and said sealing member is arranged between said annular projection and said front face of the one of said two pistons.

Claim 24 (Withdrawn) The braking and damping device of claim 23, wherein said front face of the one of said two pistons is inclined rearwardly from the second of said two pistons towards said cylinder wall of said cylinder.

Claim 25 (Withdrawn) The braking and damping device of claim 23, wherein said cavity of the first of said two pistons has abutments which delimit a displacement path of the second of said two pistons.

Claim 26 (Withdrawn) The braking and damping device of claim 23, wherein the second of said two pistons comprises an annular skirt.

Claim 27 (Withdrawn) The braking and damping device of claim 26, wherein said skirt comprises a rubber elastic material.

Claim 28 (Withdrawn) The braking and damping device of claim 26, wherein said skirt is arranged to skim over said cylinder wall of said cylinder during movement of the second of said two pistons in said cylinder.

Claim 29 (Withdrawn) The braking and damping device of claim 23, wherein at least one elastic spacer is provided between a floor of said cavity of the first of said two pistons and a rear side of the second of said two pistons.

Claim 30 (Withdrawn) The braking and damping device of claim 29, wherein the second of said two pistons is made of plastic material and said at least one elastic spacer is formed on said rear side of the second of said two pistons.

Claim 31 (Withdrawn) The braking and damping device of claim 29, wherein at least one recess is provided in said floor of said cavity for said at least one elastic spacer.

Claim 32 (Withdrawn) The braking and damping device of claim 22, wherein said cylinder wall comprises axially extending grooves positioned so as to permit passage of a pneumatic medium when said two pistons are disposed in a front end position of said cylinder.

Claim 33 (Previously Presented) The braking and damping device of claim 32, wherein the pneumatic medium is air.

Claim 34 (Previously Presented) A braking and damping device, comprising:

a fluid cylinder having a cylinder wall;

two pistons that are arranged so as to be linearly displaceable in said fluid cylinder;

a piston rod for displacing one of said two pistons in said fluid cylinder; and

an elastically deformable sealing member arranged between said two pistons such that when damping occurs by said piston rod displacing the one of said two pistons in said fluid cylinder, said elastically deformable sealing member is squeezed between said two pistons and pressed against said cylinder wall;

wherein a second of said two pistons comprises a seal which seals with said cylinder wall of said cylinder.

Claim 35 (Previously Presented) The braking and damping device of claim 22, wherein said sealing member comprises a solid body made of a rubber elastic material that connects said two pistons.

Claim 36 (Previously Presented) The braking and damping device of claim 35, wherein said two pistons have recesses in front faces thereof and said sealing member has projections received in said recesses.

Claim 37 (Withdrawn) The braking and damping device of claim 22, wherein said elastically deformable sealing member comprises a cylindrical bellows.

Claim 38 (Withdrawn) The braking and damping device of claim 37, wherein said cylindrical bellows has a plurality of peripherally extending ribs which lie sealingly against said cylinder wall.

Claim 39 (Withdrawn) The braking and damping device of claim 37, wherein said bellows contains hydraulic fluid.

Claim 40 (Withdrawn) The braking and damping device of claim 37, wherein said bellows is anchored with a positive fit in said two pistons.

Claim 41 (Withdrawn) The braking and damping device of claim 22, wherein a compression spring is inserted in between said two pistons.

Claim 42 (Previously Presented) A braking and damping device for a piece of furniture, comprising:

a fluid cylinder having a cylinder wall, said fluid cylinder being mounted on the piece furniture;

two pistons that are arranged so as to be linearly displaceable in said fluid cylinder;

a piston rod for displacing one of said two pistons in said fluid cylinder, said piston rod being positioned so as to be engageable by a movable part of the piece of furniture; and

an elastically deformable sealing member arranged between said two pistons such that when damping occurs by said piston rod displacing the one of said two pistons in said fluid cylinder, said elastically deformable sealing member is squeezed between said two pistons and pressed against said cylinder wall.

Claim 43 (Previously Presented) A braking and damping device, comprising:

a fluid cylinder having a cylinder wall;

a first piston and a second piston that are arranged so as to be linearly displaceable in said fluid cylinder along an axis;

a piston rod for displacing said first piston in said fluid cylinder;

wherein said second piston is disposed opposite to said first piston and has a seal sealing said second piston with respect to said cylinder wall;

an elastically deformable friction braking member arranged between said first piston and said second piston such that when damping occurs by said piston rod displacing said first piston in said fluid cylinder, said elastically deformable friction braking member is deformed by being

squeezed between said first piston and said second piston and pressed against said cylinder wall so as to cause damping caused by friction in addition to damping caused by fluid damping.

Claim 44 (Withdrawn) The braking and damping device of claim 43, wherein said cylinder wall comprises axially extending grooves to permit passage of fluid of said fluid cylinder when said first piston and said second piston are disposed in a front end position in said cylinder.

Claim 45 (Previously Presented) The braking and damping device of claim 43, wherein said friction braking member is in the form of a solid body manufactured from a rubber elastic material which connects said first piston and said second piston.

Claim 46 (Previously Presented) The braking and damping device of claim 45, wherein said first piston and said second piston each have recesses in front faces thereof and said friction braking member has projections received in said recesses.

Claim 47 (Previously Presented) The braking and damping device of claim 43, wherein said cylinder is structured and arranged to employ a pneumatic medium as an operating fluid.

Claim 48 (Previously Presented) The braking and damping device of claim 43, wherein said cylinder is structured and arranged to employ air as the operating fluid.

Claim 49 (Previously Presented) The braking and damping device of claim 43, wherein said friction braking member is a single body, the material of which is squeezed between said first piston and said second piston.

Claim 50 (Previously Presented) The braking and damping device of claim 43, wherein said first piston and said second piston are made of a rigid material.

REMARKS

The above amendment is submitted following the Board Decision of February 24, 2006, and pursuant to the Board's Statement under 37 CFR §41.50(c).

Specifically, the only remaining independent claim rejected over prior art after the Board's Decision is claim 22. The Board indicated in their Statement on page 8 of the Decision that if it was recited in claim 22 that the two pistons are arranged so as to be linearly displaceable relative to one another in the fluid cylinder, and if "by said displacement of said one of said two pistons relative to the other said two pistons" after "pistons" (last occurrence) was inserted in the final paragraph of claim 22, the rejections that were sustained would be overcome. The above amendments make these changes to claim 22. Accordingly, it is respectfully submitted that all rejections have been overcome or reversed.

In view of the fact that withdrawn claims 23-32, 37-40 and 41 all depend from claim 22, all of these claims should now be rejoined and reconsidered along with independent claim 22.

Accordingly, in view of the Decision of the Board and the above amendments, all of the claims pending in the present application should now clearly be in condition for allowance. Indication of such is respectfully requested.

Respectfully submitted,

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